

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the Drawings because Figures 2-5 refer to the reply unit as a "replay unit." In response, Figures 2-5 have been amended to change "replay unit" to --reply unit-- at reference numerals 552, 652, 752, and 852, respectively. Accordingly, the Examiner is respectfully requested to withdraw the objection to the Drawings.

In the Official Action, the Examiner rejects claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that there is insufficient antecedent basis for the phrase "the originating medical device" as recited on line 9 of claim 5. In response, claim 5 has been amended to provide the proper antecedent basis for such phrase. Accordingly, it is respectfully requested that the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner objects to the abstract of the disclosure because it exceeds 150 words and is not written in concise, easily understood terms. In response, the Abstract has been deleted and replaced with a substitute abstract. A copy of the substitute Abstract is enclosed on a separate sheet for the convenience of the Examiner. Accordingly, it is respectfully requested that the objection to the Abstract be withdrawn.

In the Official Action, the Examiner objects to the specification under 35 U.S.C. § 112, first paragraph, as not being written in "full, clear, concise, and exact terms."

Regarding the terms "double foot switch" and "triple foot switch," the same respectively mean a "duplex switch" formed by a pair of two switches arranged in parallel and a "triplet switch" formed by a set of three switches arranged in parallel. Applicants

respectfully submit that such terms would be understood as such by those of ordinary skill in the art, particularly in light of the description of the present specification.

Regarding the phrase "driving control," as indicated by the Examiner the same may be more commonly referred to as a "drive control," however, those skilled in the art would certainly understand the same and recognize the phrase "driving control" as equivalent to "drive control." Therefore, Applicants see no reason for changing the numerous occurrences of "driving control" to "drive control."

Regarding the phrase "supplies...scalpel...treatment equipment" on page 8, lines 11 to 10, the same has been amended to delete the reference to the electric scalpel.

Regarding the phrase "instructing driving" on page 8, line 22, the same has been changed to "performing driving instructions."

Regarding the term "crushing/suction or the like" on page 10, line 24, the same has changed to --crushing, suction or the like-- to improve its readability.

Furthermore, the specification has been amended to correct other grammatical errors therein and to improve its form and readability.

In the Official Action, claims 1, 2 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,788,688 issued to Bauer, et al. (hereinafter "Bauer"). Additionally, claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of U.S. Patent No. 5,502,726 issued to Fischer (hereinafter "Fischer"). Lastly, claims 6-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of U.S. Patent No. 6,679,875 issued to Honda, et al. (hereinafter "Honda").

In response, independent claims 1, 5, and 6 have been amended to clarify their distinguishing features. Claim 9 has been amended to be consistent with amended claim 6 from which it depends.

Applicants respectfully submit that the subject invention, as recited in the claims, has a feature wherein in response to activation of a driving switch for treatment equipment (medical equipment), one medical device communicates with a different medical device, and it is determined whether or not the medical devices can operate in synchronization with the different medical device.

According to Bauer, by using an operation panel, a type of treatment, such as “bipolar” or “monopolar”, is determined, and, based on this determination, it is determined whether or not a different device can operate in synchronization. In contrast, the claims of the present application recite that determination of the type of connected treatment equipment or medical equipment is performed by a medical device to which the equipment is connected. Thus, panel operation using an operation panel, as in the cited reference, it not necessary.

Moreover, as recited in the claims, in response to activation of a driving switch, one medical device communicates with a different medical device, and it is determined whether or not the medical device can operate in synchronization with the different medical device. Also, from this viewpoint, the panel operation using the operation panel, as in the cited reference, it not necessary.

In light of the above, independent claims 1, 5, and 6 have been amended to clarify the above distinctions as follows:

a plurality of type of medical devices are provided with driving switches; and  
the plurality of types of medical devices perform communication with one another in response to activation of the driving switches, and it is determined whether or not each type of treatment equipment connected to each medical device operate in synchronization.

Such features are not disclosed or suggested in the cited prior art references. The amendment to claims 1, 5, and 6 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of such amendment.

With regard to the rejection of claims 1, 2 and 5 under 35 U.S.C. § 102(b), a surgery system having the features described above and as recited in independent claims 1 and 5, is nowhere disclosed in Bauer. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”<sup>1</sup> independent claims 1 and 5 are not anticipated by Bauer. Accordingly, independent claims 1 and 5 patentably distinguish over Bauer and are allowable. Claim 2 being dependent upon claim 1, is thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, and 5 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 3 and 4 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claims 3 and 4 are at least allowable therewith because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a).

With regard to the rejection of claims 6-12 under 35 U.S.C. § 103(a), independent claim 6 is not rendered obvious by the cited references because neither the Bauer patent nor the Honda patent, whether taken alone or in combination, teach or suggest a surgery system having the features described above. Accordingly, claim 6 patentably distinguishes over the prior art and is allowable. Claims 7-12, being dependent upon claim 6

---

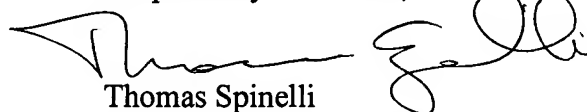
<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 6-12 under 35 U.S.C. § 103(a).

Furthermore, new claims 13-20 have been added to further define the patentable invention. New claims 13-20 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 13-20. Applicants submit that independent claims 13 and 14 patentably distinguish over the prior art and are allowable and that claims 15-20 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

  
Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

TS:cm

Enclosure (Amended Figures 2-5 and Substitute Abstract of Disclosure)